

KEVIN G. HORBATIUK (KGH-4977)  
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RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**

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**21 MC 102 (AKH)**

**ANITA BERMUDEZ,**

**DOCKET NO.:  
07 CV 01470**

**Plaintiff,**

**-against-**

**100 CHURCH, LLC, AMBIENT GROUP, INC.,  
BATTERY PARK CITY AUTHORITY,  
BLACKMON-MOORING-STEAMATIC  
CATOSTOPHE, INC., D/B/A BMS CAT,  
BROOKFIELD FINANCIAL PROPERTIES, INC.,  
BROOKFIELD FINANCIAL PROPERTIES, LP.,  
BROOKFIELD PARTNERS, LP., BROOKFIELD  
PROPERTIES CORPORATION, BROOKFIELD  
PROPERTIES HOLDING, INC., CUNNINGHAM DUCT  
CLEANING CO. INC., GPS ENVIRONMENTAL  
CONSULTANTS, INC., HILLMAN ENVIRONMENTAL  
GROUP, LLC., INDOOR ENVIRONMENTAL  
TECHNOLOGY INC., LAW ENGINEERING P.C.,  
MERRILL LYNCH & CO., INC., ONE WALL STREET  
HOLDINGS, LLC., ROYAL AND SUNALLIANCE  
INSURANCE GROUP, PLC., THE BANK  
OF NEW YORK COMPANY, INC.,  
TISHMAN SPEYER PROPERTIES, TRC  
TRC ENGINEERS, INC., TUCKER ANTHONY, INC.,  
V. CUCINIELLO, VERIZON NEW YORK, INC.,**

**NOTICE OF  
ADOPTION OF  
ANSWER TO  
MASTER COMPLAINT**

**WFP TOWER A CO., WFP TOWER A CO.,  
G.P., CORP., WFP TOWER A. CO., L.P., and  
ZAR REALTY MANAGEMENT CORP., ET AL.**

**Defendants.**

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**PLEASE TAKE NOTICE,** that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 30, 2008

Kevin G. Horbatiuk

Kevin G. Horbatiuk (KGH4977)

Matthew P. Mazzola (MM-7427)

Attorneys for Defendant

**CUNNINGHAM DUCT WORK s/h/i/a**

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RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
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Attorney for Plaintiff  
**ANITA BERMUDEZ**  
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New York, New York 10006  
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**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 30<sup>th</sup> day of April, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
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Attorney for Plaintiff  
**ANITA BERMUDEZ**  
115 Broadway 12th Floor  
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*Kevin G Horbatiuk*  
**KEVIN G. HORBATIUK**